

Members:

Sen. Murray Clark, Chair
Sen. Lindel Hume
Rep. Dale Sturtz
Rep. Cleo Duncan

Lay Members:

Erika Seydel

LSA Staff:

Kristin Breen, Fiscal Analyst for the Panel
Tim Tyler, Attorney for the Panel

Authority: IC 13-28-3-6



COMPLIANCE ADVISORY PANEL

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MEETING MINUTES

Meeting Date: September 15, 1998
Meeting Time: 10:30 a.m.
Meeting Place: State House, 200 W. Washington St., Room 233
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Murray Clark, Chair; Sen. Lindel Hume; Rep. Cleo Duncan; Erika Seydel.

Members Absent: Rep. Dale Sturtz.

Sen. Clark, Chair of the Compliance Advisory Panel (CAP), called the meeting to order at 10:50 a.m.

Agency-Wide Activities

Paula Smith, with the Indiana Department of Environmental Management's (IDEM) Office of Pollution Prevention and Technical Assistance (OPPTA), reviewed a memorandum from Erika Seydel, Director of IDEM's Office of Business and Legislative Relations.¹ Ms. Smith noted that the following IDEM employees have left the agency since the last CAP meeting in November 1997: Maggie McShane, Director of the Office of Business and Legislative Relations; Leslie White, Director of the Office of Community Relations; Jonathan Weinzaphel, with the Office of Business and Legislative Relations; and Brian Daggy, Agricultural Liaison. She added that Erika Seydel was hired to replace Maggie McShane.

Ms. Smith explained that the Governor's Toxic Reduction Challenge, which was initiated in April 1998, involves a pledge by companies to reduce toxic chemical releases into the air and water by the year 2002. Ms. Smith provided a copy of a sample letter sent to Indiana businesses regarding the challenge as well as a list of challenge participants.² In response to a question from Sen. Clark, Ms. Smith explained that the challenge is for companies that use toxic chemicals listed on the Toxics Release Inventory.

Ms. Smith then introduced Debbie Dubenetzky, who is leading the Multi-Media Compliance Pilot Project.

¹This document is on file in the Legislative Information Center (LIC), Room 230, State House, Indianapolis, Indiana. The telephone number of the LIC is (317) 232-9856, and the mailing address is 200 W. Washington St., Suite 301, Indianapolis, Indiana 46204-2789.

²These materials are on file in the LIC (See Footnote 1).

Ms. Dubenetzky explained that the goal of this pilot project is to create a multi-media compliance program that will bring together compliance, technical assistance, and pollution prevention personnel to achieve the greatest environmental benefit. Ms. Dubenetzky added that the pilot project involves the metal finishing, wood furniture, foundry, electric utility, and pharmaceutical industries. Ms. Dubenetzky provided a draft action plan for the metal finishing industry.³

Ms. Smith noted that the confined feeding administrative rule has been finalized.

Pam O'Rourke, IDEM's Pollution Complaint Clearinghouse Coordinator, provided a handout which explains the scope, goals and objectives, structure and function, location within IDEM, length of project, and project assessment of the clearinghouse.⁴ She noted that the operating procedures will be finalized soon and the clearinghouse will begin on October 1, 1998.

In response to a question from Sen. Clark regarding protecting the confidentiality of businesses, Ms. Smith explained that IDEM has confidentiality procedures for its Compliance and Technical Assistance Program (CTAP). Ms. Smith added that if an individual calls the CTAP with a complaint about a company, a CTAP staff member tells the individual the name of the appropriate person within IDEM to call or forwards the call themselves.

Sen. Clark raised the issue of providing amnesty to businesses that are involved in the CTAP if they are in violation of a law or regulation.

Sen. Clark suggested that there needs to be a mechanism to coordinate activities of CTAP staff and IDEM inspectors. Ms. Smith responded that in order for that to happen businesses would have to waive confidentiality. Sen. Clark questioned whether businesses are comfortable with the CTAP confidentiality procedures. Ms. Smith responded that IDEM has received positive industry feedback regarding CTAP.

Sen. Hume inquired about the federal government's challenge to states' audit privilege statutes. Vince Griffin, with the Indiana Chamber of Commerce, explained that the Indiana Attorney General's (AG) Office sent a letter to the U.S. Environmental Protection Agency (EPA) stating that Indiana does have the ability to prosecute under its statute. In response to a question from Sen. Clark, Ms. Smith and Ms. Seydel indicated that they do not know whether the AG's response to the EPA reflects IDEM's position on the issue.

Ms. Smith explained that the Indiana Environmental Extension Network was established to create links among all statewide environmental assistance providers. The Indiana Business Modernization and Technology Corporation (BMT), which received a grant from the National Institute for Standards and Technology, brought together a group of organizations to talk about how to set up the network. Among those involved in the network are the BMT, the Clean Manufacturing and Safe Materials Institute, the Indiana Economic Development Council, and IDEM.

IDEM has established a "Protecting Children from Environmental Threats" initiative to focus environmental protection on children. This initiative is part of Governor O'Bannon's "Building Bright Beginnings" campaign, which is a multi-agency campaign focusing on the health and safety of children younger than six years of age. Part of the initiative is the "Simple Steps" campaign which provides guidance on how to protect children from environmental threats, such as lead and mercury.

Ms. Smith announced that IDEM is trying to recruit AmeriCorps members to help with its "Protect Children from Environmental Threats" initiative. IDEM currently has two members, but has funding for 16.

Compliance and Technical Assistance Program (CTAP) Activities

³This document is on file in the LIC (See Footnote 1) .

⁴This document is on file in the LIC (See Footnote 1).

Ms. Smith presented a summary of CTAP activities since the last CAP meeting in November 1997. She provided the following information:

- CTAP has eight staff members.
- IDEM's Office of Enforcement calls CTAP with questions two to five times per month, while CTAP calls the enforcement office approximately 15 times per month.
- IDEM works with the Indiana Small Business Development Corporation and Small Business Development Centers to provide workshops and referral services.
- There will be free collection of household mercury in every county during the month of October.
- IDEM established a hospital advisory group this year in order to eliminate mercury from hospitals. Forty to fifty hospitals are participating.
- Pollution Prevention Week is the week of September 21, 1998.
- The Governor's Awards for Pollution Prevention will be awarded at a conference during Pollution Prevention Week.

Rep. Duncan mentioned to CAP members that a company got approval in her district for rezoning for an asphalt plant under false pretenses. She added that the company is now applying for an air permit from IDEM.

The next meeting was scheduled for October 13, 1998 at 10:30 a.m. in Room 156-B of the State House.

Sen. Clark adjourned the meeting at 12:15 p.m.